

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM C. DUFFELMEYER, MICHAEL  
WALTHER, STEVEN HEISLER, JEFF NARDI,  
STEPHEN M. CARPINIELLO, EDWARD ARCE,  
RALPH TANCREDI, PETER DeVITTORIO,  
MICHAEL MARINELLI and ARTHUR MARINELLI,

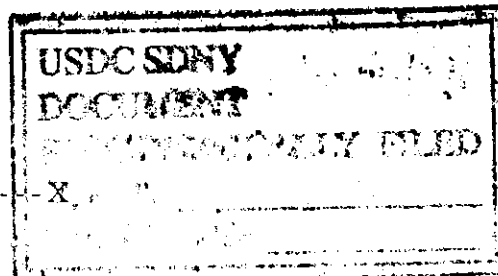
Plaintiffs,

-against-

LAWRENCE MARSHALL, individually, DAVID  
HALL, individually, and the TOWN/VILLAGE OF  
HARRISON, New York,

Defendants.

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07 Civ. 2807 (GAY)

STIPULATION  
REGARDING  
CONFIDENTIAL  
INFORMATION

**STIPULATION REGARDING CONFIDENTIAL INFORMATION**

1. It is Stipulated and Agreed that all records or reports of medical, psychiatric and psychological evaluations and treatment concerning the Plaintiffs in this matter and the information contained therein (hereinafter "the documents") received by Defendants' counsel in response to Defendants' request for production of documents and authorizations signed by Plaintiffs (except documents which are a matter of public record) are subject to the following restrictions:

(a) The documents and information referred to above shall be used only in connection with the prosecution or defense of this litigation and not for any other purposes.

(b) Prior to trial, they shall not be given or made available to anyone other than (i) the attorneys of record for Defendant; (ii) support personnel of Defendant's counsel; (iii) such of Defendant's employees as are involved in preparing a defense to this lawsuit or are involved in considering settlement possibilities and only to the extent necessary for these

purposes; and (iv) expert witnesses or prospective expert witnesses or other persons hired by counsel to furnish technical or other expert services. Prior to disclosure to persons referred to in (iii) and (iv) above, such persons must be provided with a copy of this Stipulation and sign the addendum annexed hereto.

(c) Such documents and information may be shown to and discussed with the attorneys of record for the Plaintiffs in this action.

(d) If it is necessary at any time to submit this material to the Court prior to trial, such material shall not be ECF filed and instead be submitted in a sealed envelope, with the following statement embossed on the envelope:

**CONFIDENTIAL**

This envelope contains documents which are subject to a Confidentiality Stipulation approved by the Court. As such, these documents shall be submitted under seal

(e) There shall be no reproduction of the material, except as necessary for the purposes of this litigation by the personnel designated above.

2. This Stipulation shall not limit the use of the information gained by any party apart from and independent of the specific discovery referenced herein, nor shall it limit the use of matters of public record.

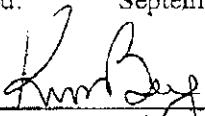
3. Nothing contained in this Stipulation, nor any action taken in compliance with it, shall operate as an admission by any party that any particular document or information is, or is not, confidential. Further, nothing in this Stipulation shall operate as an admission by any party that any particular document is, or is not, admissible at the trial of this action.

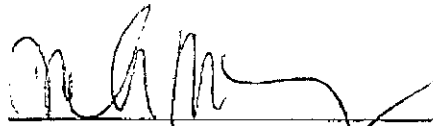
4. Within thirty days after the final termination of the above-entitled action, the documents referred to above and all copies thereof, including but not limited to any notes or other transcriptions made therefrom, shall be returned to counsel for the Plaintiffs or destroyed.

If destroyed, a letter signed by an attorney of record will verify that all materials not returned have been destroyed.

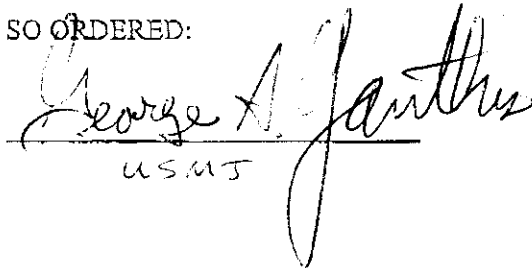
5. This Stipulation will not prevent any party from seeking another order from the Court regarding disclosure once the trial of this action commences. ✓

Dated: September 11, 2008

 (KB) 425)  
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SO ORDERED:

  
USMJ

September 15, 2008  
White Plains, NY

ADDENDUM

The undersigned hereby acknowledges that s/he has read the Stipulation Regarding Confidential Information so-ordered on \_\_\_\_\_, 2008 in the action entitled Duffelmeyer, et al. v. Marshall, et al., 07 Civ. 2807 (GAY) and understands the terms thereof. The undersigned agrees not to use the Confidential Materials defined therein for any purpose other than in connection with the defense of this case and will not further disclose the Confidential Materials or the information contained therein to anyone, either verbally or in writing.

Dated:

\_\_\_\_\_  
Sign and Print name